

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to independent private instruction and online learning and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 15, “Use of Online Learning and Telecommunications for Instruction by Schools,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, Senate File 546.

Purpose and Summary

2020 Iowa Acts, Senate File 546, removed the ability for students receiving independent private instruction to participate in certain forms of online learning. This proposed rule making conforms the Department’s rules to that statutory requirement. The proposed amendments reflect the language in new Chapter 15, published in **ARC 5740C**, IAB 6/30/21.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on July 20, 2021. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

July 20, 2021
9 to 9:30 a.m.

Room B100
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
idoe.zoom.us/j/92297466685?pwd=dE1Hc1I3M2U2Vmo4bEwwSVFPRWU5UT09

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 15.6(1) as follows:

15.6(1) *Online learning program delivered by area education agencies.* Subject to an appropriation of funds by the general assembly for this purpose, AEAs may provide an online learning program to deliver distance education to Iowa's secondary students, including students receiving ~~independent private instruction~~, competent private instruction, ~~or private instruction by a nonlicensed person~~ under Iowa Code chapter 299A. An AEA may provide an online learning program separately, in collaboration with other AEAs, or in partnership with school districts and accredited nonpublic schools.

ITEM 2. Amend subrule 15.6(6) as follows:

15.6(6) *Private instruction.* This rule applies to students receiving ~~independent private instruction as defined in Iowa Code section 299A.1(2) "b,"~~ competent private instruction under Iowa Code section ~~299A.2,~~ or private instruction by a nonlicensed person under Iowa Code section 299A.3 chapter 299A. To participate in an online learning program offered by an area education agency, a student receiving competent private instruction under Iowa Code chapter 299A shall take whatever steps are necessary to enroll with the student's district of residence. The coursework offered by AEAs pursuant to this subrule must be taught and supervised by a teacher licensed under Iowa Code chapter 272 who has online learning experience, and the course content must meet the requirements established by rule pursuant to Iowa Code section 256.7(32) "c."

ITEM 3. Amend subrule 15.8(4) as follows:

15.8(4) *Private instruction.* The online learning platform described in subparagraph 15.8(3) "b"(3) may deliver distance education to students, ~~including students receiving independent private instruction as defined in Iowa Code section 299A.1(2) "b,"~~ competent private instruction under Iowa Code section ~~299A.2,~~ or private instruction by a nonlicensed person under Iowa Code section 299A.3 chapter 299A, provided such students register with the school district of residence and the coursework offered by the online learning platform is taught and supervised by a teacher licensed under Iowa Code chapter 272 who has online learning experience, and the course content meets the requirements established by rule pursuant to Iowa Code section 256.7(32) "c."